



Doña Ana Mutual Domestic Water Consumers Association
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The following minutes are from the Regular Board Meeting of Doña Ana Mutual Domestic Water Consumers Association Board of Directors, April 20, 2017; convened at 9:00 A.M. in the Doña Ana Mutual Domestic Water Consumers Association Board Room located at 5535 Ledesma Dr., Las Cruces, NM 88007:

Call to Order & Roll Call

President Melton called the meeting to order at 9:00 A.M. and called roll:

Secretary/ Treasurer – Kurt Anderson, Present

Board Member – Raymond Ponteri, Present

Board Member – Jamie Stull, Excused Absence

A Quorum was declared

Others in Attendance:

Executive Director – Jennifer Horton

Community Members – Jim Hayhoe, Pam Sherry, Mike Slover, Bob Zolto, Mike Izon, Jack Hokkanen, Will and Laurel Parker, Forrest Beason, Nancy Simmons

Approval of Agenda

Dr. Anderson moved to approve the agenda for the April 20, 2017 Regular Board Meeting as presented; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Minutes

Mr. Ponteri moved to approve the Regular Board Meeting Minutes of April 06, 2017; Dr. Anderson seconded the motion. The Chair called for discussion of the motion. Mr. Ponteri requested more transparency for the wording with regard to the special sampling under Open Discussion. Mr. Melton requested we begin notating that a Quorum is being declared at each meeting. The Chair called for a vote on the amended minutes; the motion carried by roll call vote 3-0.

New Members & New Meters

Dr. Anderson moved to approve the New Members and New Meters list as presented for April 2017; Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. Executive Director Jennifer Horton advised there are fourteen (14) names on the list consisting of eleven (11) new members, five (5) new meters, and three (3) existing members. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Customer Issues and Public Input

Nancy Simmons questioned when the special sampling will be done. Ms. Horton advised this will be completed no later than June 30, 2017.

Board President Report

Mr. Melton advised it has been a fairly quiet few weeks.

Staff Reports

See Attachment

New Business

No New Business

Unfinished Business

3. Dr. Anderson moved to approve the landscaping project with the PHPOA; the motion was seconded by Mr. Ponteri. The Chair called for discussion of the motion from the public first, with input from the Board to follow. No public input was brought forward. Dr. Anderson asked if legal has looked at this. Ms. Horton advised both legal and the PHPOA have reviewed the contract; this copy is the most updated draft which includes the master landscape map, a key for exact location proposals for the plants, and a copy of the liability insurance. Concerns have been voiced, the first of which is under page 3, item 3G. Mr. Ponteri commented that the last statement is too ambiguous, and proposes an amendment to change the phrase to say “immediately adjacent to Well 15”. Another concern on page 3 is item 3E; other entities may pay for the meter, not the PHPOA. A discussion proceeded where whomever requests the meter will have to sign the water user agreement for a binding contract of water responsibilities. From an administrative standpoint we do not have a preference as to who requests the meter and the member who completes this will ultimately be held responsible for paying the bill each month.

Mr. Melton voiced concerns with regard to the types of plant material being native on page 2, item 3C. He has searched and found no mention of moon glow juniper being native and provided examples of other types, such as mesquite. Dr. Anderson inquired as to whom decides what a native plant is. Mr. Ponteri motioned to amend page 2, line item 3C under Terms and Conditions be modified to “the types of plant material installed on Association property will be as specified in the landscape plan exhibit A”. Dr. Anderson seconded the motion. The Chair called for discussion. Dr. Anderson disagreed with Mr. Ponteri’s motion and has a slightly different recommendation to remove ‘as specified’

and simplify the line item to end at ‘types of plant material will be native to this area’; this would require the landscaping plan be modified. Mr. Ponteri recommended we vote on the original motion in order to proceed with a possible new amendment. The Chair called for a vote, which was defeated as follows:

Dr. Anderson – No

Mr. Ponteri – Yes

Mr. Melton – No

Dr. Anderson motioned to have line item 3C under Terms and Conditions on page 2 be modified to read “the types of plant material installed on the Association Property will be native to this area”; the motion was seconded by Mr. Ponteri. The Chair called for discussion. Mr. Ponteri asked that we allow the audience to address the concerns with regard to the moon glow juniper being native. Mr. Melton agreed to allow additional public input. Mr. Slover addressed the Board to explain that the moon glow’s botanical name is *Juniperus Scopulorum* and according to U.S. Department of Agriculture this is a native plant. The moon glow is a cultivar of the *Juniperus Scopulorum*. Mr. Melton advised he will look into this as he has not found a juniper of this nature in the Chihuahuan Desert. Dr. Anderson clarified that his motion to have sentence 3C end at “area” without referring to exhibit A would then require the public to prove the nativity of the shrubbery with references. Ms. Horton asked who will make the determination as to what is native; the Board, the staff, or the public? Mr. Melton advised the Board has final approval authority of the plants utilized as it is the Association’s property. The Chair called for a vote on the motion to have line item 3C under Terms and Conditions on page 2 be modified to read “the types of plant material installed on the Association Property will be native to this area”; the motion carried by roll call vote 3-0.

Mr. Ponteri moved to amend the contract under line item 3G, page 3 to delete “around Well 15” and substitute with “immediately adjacent to Well 15”. Dr. Anderson seconded the motion and recommended we simplify further and only state “adjacent to”,

not using the word immediately. Mr. Melton repeated the motion to confirm the portion of page 3, item 3G, line 4 following “county right of way” delete ‘around to’ and replace with ‘adjacent to’. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Ms. Horton submitted a recommendation to remove line item 3E, page 3 and update item 3F to “the Association will have no obligation to maintain the landscaping in any manner and the Association shall have no obligation for irrigation or the cost of irrigation”. This takes the Association out of any obligations and places the responsibility with the PHPOA. Mr. Melton will need a motion to further discuss the recommendation. Mr. Ponteri motioned to proceed with this line item update; the motion was seconded by Dr. Anderson. The Chair called for discussion of the motion. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Mr. Melton inquired how we correct the issue with regard to the native plants as we still do not have an agreed upon plan. Mr. Hayhoe provided Mr. Melton with a website from USDA. A recess was called in order to print the documentation for the entire Board.

Recess called at 10:07 a.m. The Regular Board Meeting was reconvened at 10:15 a.m.

Dr Anderson questioned as to where moon glow is listed in the USDA documentation provided? Ms. Sherry advised page 2, under cultivars. Mr. Melton is still wary of approving the moon glow in the desert; Dr. Anderson and Mr. Ponteri are satisfied. Mr. Melton advised this brings us to our motion of approving the contract as amended. The Chair called for a vote on the motion to approve the PHPOA landscaping contract as amended; the motion carried by roll call vote 2-1:

Dr. Anderson – Yes

Mr. Ponteri – Yes

Mr. Melton – No

The Association's engineering firm has provided a letter responding to the issue that Lane Hauser brought forward with regard to the transmission line construction and a holding pond near his residence. Dr. Anderson moved to accept the report from Souder, Miller, and Associates and take no further action on this matter. Mr. Ponteri seconded the motion. The Chair called for discussion of the motion. Dr. Anderson has walked this area and agrees with the report from SMA; in fact our construction would have routed excess water down Taylor Road rather than this gully. The Chair called for a vote on the motion; the motion carried by roll call vote 3-0.

Open Session

Mr. Ponteri requested a general legal update for our next Regular Board Meeting.

Ms. Horton approached the Board about the upcoming National Water Conference in Reno, NV held September 17 through Septemeber 21. As this is an event that reserves well ahead of time and does have cancellation fees we will need a firm count on who can attend. Mr. Melton will attend this conference with Executive Director Jennifer Horton.

Adjournment

Dr. Anderson moved to adjourn at 10:53 a.m.; Mr. Ponteri seconded the motion. The Chair called for a vote on the motion: the motion carried by roll call vote 3-0.



Kurt Anderson

Secretary/ Treasurer



Date